IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28767 of 2007(Y)

PETITIONER:

M.T.SIVANKUTTY,ASST. ENGINEER
K.P.I.P. SECTION III/2,KALLADIKODE,
PALAKKAD.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.LUIZ GODWIN D'COUTH

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
IRRIGTION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
IRRIGATION & ADMINISTRATION,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT
THIRUVANANTHAPURAM.

4. THE ASST. EXECUTIVE ENGINEER,
K.P.I.P. SUB DIVISION NO.II
KOLLADIKODU, PALAKKAD DISTRICT.

BY ADV. SHRI.BEJOY CHANDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 28767 of 2007

Dated, this the 27th day of September, 2007

J U D G M E N T

The petitioner, who is working as Asst. Engineer in the Irrigation Department, is aggrieved by Ext.P4 order of deployment passed by the Chief Engineer of Local Self Government Department. According to him, persons junior to him in the category of Asst. Engineer were posted on 03/05/2007 in his department as per Ext.P3, that though many among them, who are juniors to the petitioner, have been retained, the petitioner has been deployed as per Ext.P4 order. He has certain other contentions in relation to Ext.P4.

2. Orders of deployment are essentially to be passed by the Government. If powers have been delegated to the Head of the Departments or where the Government has directed in a particular case that the order of deployment is to be passed by any authority, such Officers can also pass orders of deployment.

3. I have heard learned Government Pleader also. The learned Government Pleader submits that Ext.P4 is actually a posting order issued by the Chief Engineer of the Local Self

Government Department. The deployment order has actually been ordered by the Government itself. This is also a matter that has to be looked into by the Government.

4. The petitioner may bring his grievances to the notice of the 1st respondent by means of a representation, which he shall file within a period of two weeks from today. If the petitioner has a contention the the order of deployment has been passed by the Chief Engineer of the Local Self Government Department, but it should have been passed by the Head of the Department, that aspect also can be looked into by the Government. If such a representation is filed within a period of two weeks, the 1st respondent shall take a decision thereon within a period of four weeks thereafter, after hearing the petitioner. Suitable remedial action shall be taken, if the petitioner's claim is found to be acceptable by the Government.

This writ petition is disposed of as above.

(V.GIRI, JUDGE)

jg